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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,734	10/29/2003	Eugene Joseph Pancheri	9399	7723

27752 7590 12/29/2004

THE PROCTER & GAMBLE COMPANY
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EXAMINER

O MALLEY, KATHRYN S

ART UNIT PAPER NUMBER

3749

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,734	Applicant(s) PANCHERI ET AL.	
	Examiner Kathryn S. O'Malley	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3 October 2004 regarding the rejections in view of Staub et al. have been fully considered but they are not persuasive. Applicant's argue that Staub et al. does not teach a thermal protection means and that Examiner has not presented a basis for where this means is found in Staub et al. Examiner respectfully disagrees and directs Applicant's attention to claim 16 of the present application in which Applicant discloses that a conduit in thermal communication with one or more components of the treatment device and the benefit composition is an example of a thermal protection means, and to paragraph 6 of the Office Action of 2 June 2004 in which Examiner states that conduit 70 is in thermal communication with nozzle 52 and benefit composition reservoir 60.
2. Applicant's arguments, 3 October 2004, with respect to the rejection(s) of claim(s) 5 and 13 under 35 U.S.C. 103(a) in view of *In re Boesch* have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as evidenced by Blanchard et al. and the present specification.
3. Applicant's arguments, filed 3 October 2004, with respect to the rejection(s) of claim(s) 6 and 7 in view of Pletcher et al. have been fully considered and are persuasive. However, after further consideration, the rejection is upheld.

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4. Applicant has correctly argued that Pletcher et al. does not expressly teach utilizing an electrically charged liquid to treat fabric. However, while Applicant argues that this makes the combination of Pletcher et al. and Staub et al. unobvious, Examiner disagrees. Please note the new statement of motivation regarding Staub et al. in view of Pletcher et al.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 8-12, 16-21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,980,583 to Staub et al.

7. Staub et al. teaches a fabric treatment device and method of its use comprising nozzle 52 in the door 18 of rotating drum 14 in thermal and fluidic communication, via conduit 70, with reservoir 60, which houses a wrinkle releaser to be sprayed onto fabric inside the drum 14 through nozzle 52 while drum 14 rotates, wherein conduit 70 keeps reservoir 60 spaced apart from the high heat provided to drum 14, thereby thermally protecting reservoir 60. The apparatus further has heat sensors that provide cues to the user and has a cooling cycle. Note column 5, lines 1-63 and Figure 1.

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8. Claims 5 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Staub et al., as evidenced by US Patent 5,242,463 to Blanchard et al. and the present specification.

9. While Staub et al. does not explicitly teach the thermal conductivity of his wrinkle releaser, he does teach using "any suitable resin, agent, or other chemical or chemical compound which imparts wrinkle resistant properties to fabrics (column 6, lines 55-59)." Blanchard et al. teaches that it is known in the art to use a resin comprising glycol ethers to impart wrinkle resistance to fabrics (column 2, lines 15-25) and the present specification teaches that glycol ethers have thermal conductivity in the range presently claimed (page 9, lines 11-23). Therefore, since glycol ethers have the thermal conductivity presently claimed and comprise part of a composition that falls within Staub et al.'s category of "any suitable resin, agent, or other chemical or chemical compound which imparts wrinkle resistant properties to fabrics," it is concluded by this examiner that the limitations of claims 5 and 13 are anticipated by Staub et al.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al., as applied to claim 1 above, and further in view of Pletcher et al.

12. Staub et al. does not teach electrically charging the wrinkle releaser. Pletcher et al. teaches electrically charging a "home care liquid formulation", wherein the formulation can retain an electric charge for a sufficient time period for contacting a target, and means for grounding the device. Note column 1, lines 27-34. While Pletcher et al. does not expressly suggest charging a wrinkle releaser, it is deemed by this examiner that a wrinkle releaser falls within the category of a "home care liquid formulation." Therefore, as Pletcher et al. teaches that electrically charging a home care formulation leads to greater attraction between the target and the formulation and, therefore, more efficient treatment, it would have been obvious to one of ordinary skill in the art to modify the fabric treatment method and apparatus of Staub et al. with the electrically charged formulation of Pletcher et al.

13. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al. as applied to claim 1 above, and further in view of Furgal et al.

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14. Staub et al., does not teach instructions for use. Furgal et al. teaches a similar fabric treatment apparatus comprising instructions. Note column 4, lines 37-44. As Furgal et al. teaches that instructions will enable a user to effectively use a fabric treatment device, it would have been obvious to one of ordinary skill in the art to modify the fabric treatment apparatus of Staub et al. with the instructions of Furgal et al.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn S. O'Malley whose telephone number is (571)272-4879. The examiner can normally be reached on M-F (9:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703)308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KSO


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